

**TOWN OF HUNTERSVILLE  
REGULAR TOWN BOARD MEETING  
MINUTES**

**October 17, 2011  
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on October 17, 2011.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Danae Caulfield, Charles Jeter, Ron Julian, and Sarah McAulay.

Mayor Swain called for a moment of silence.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Swain

- The next meeting of the MTC and Red Line Task Force is next week.
- No report from ASC.
- The EDC retreat is on Thursday.
- The next meeting of Huntersville Connection is tomorrow at the Renaissance Festival.

Commissioner Caulfield – No Report.

Commissioner Jeter

- LNTC had a major development – Carroll Gray who has headed up that organization admirably since its inception resigned effective end of the year. Mr. Gray was a former chairman of the Charlotte Chamber of Commerce.....a great steward of this committee, this town and this region. I think he deserves a debt of gratitude on behalf of all the citizens of Huntersville. He will be a tough person to replace.

Mayor Swain said if you all are amenable I would like to have him come to our next Board meeting and give him accolades. I think that would be appropriate.

Commissioner Julian

- There are two upcoming Chamber functions – the 6<sup>th</sup> Annual North Mecklenburg County Public Safety Luncheon on October 20 and the ribbon cutting for Raymer-Kepner Funeral Home.
- The annual EDC retreat is Thursday.

Commissioner McAulay

- The next MPO meeting is November 16.
- The next Visit Lake Norman meeting is November 21.
- The next Planning Coordinating Committee meeting is October 21.

## **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Tonya Blackman, President of Presbyterian – Huntersville, said I just wanted to give you a quick update. It's really an exciting time at Huntersville. When you all supported this hospital in this community you did a wonderful thing and I feel very honored to be there. We are now building a 15 bed extension, our vertical expansion. When we started here we were at 50 beds. We went to 60 beds, where we are today and 10 observation beds. By the end of 2012 we'll be at 75 beds and 10 observation beds, so we continue to grow to serve you. Being a part of this community is very important. We are adding two intensive care unit beds and we are adding the rest of those beds will be medical surgical beds. If any of you have been there when we've been at capacity, you know we are very full. We continue to be a part of this community. We have sponsored Cancer Survivor's Day. We had a great turnout for people and their families who have survived cancer. We also had a NIC-U reunion. That's where we had the babies that are born who are a couple pounds. They came back as grown-ups so to speak. We continue to be very involved with Mayor Swain and the Learn Well Be Well program. We are continuing to be a great part of this community. I hope that you continue to see that we add a lot of value and we are very happy to be here. The Charlotte Business Journal just gave us an award. They started giving out health care awards of excellence and Presbyterian – Huntersville won the award for innovation. Our cardiovascular program is now affiliated with the Cleveland Clinic. I don't know if all of you know but that is one of the best cardiovascular programs in the country and they are very selective about who they choose. I actually think they have turned down a couple of hospitals in surrounding areas, but they did decide they wanted to affiliate with Presbyterian, so we are very excited about that.

## **AGENDA CHANGES**

Commissioner Jeter made a motion under Other Business Item A, B, C, D and E, I would like to move to E, F, G and H. In their stead under Item A I would like to add a motion to approve the contract for the acquisition of Tax Parcel 01718506, 9630 Julian Clark Avenue, for the purpose of buying a new police station for the Town of Huntersville. Under Item B I would like to add a motion to provide for a capital project ordinance and appropriate funds in the amount of \$25,000 for earnest money for the contract associated with Item A. Under Item C I would like to add a motion to introduce and to approve a resolution authorizing the negotiation of an installment financing contract, directing the publication of notice of a public hearing and certain other related matters.

Commissioner Caulfield seconded motion.

Motion carried unanimously.

Commissioner Jeter made a motion to adopt the agenda, as revised.

Commissioner Julian seconded motion.

Motion carried unanimously.

## **PUBLIC HEARINGS**

None

## OTHER BUSINESS

**Contract – Purchase of Tax Parcel 01718506.** Commissioner McAulay made a motion to approve the contract for the acquisition of Tax Parcel 01718506, 9630 Julian Clark Avenue, for the purpose of buying a new police station.

Commissioner Julian seconded motion.

Mayor Swain said because I sit in this chair it is a privilege for me to have this Board get to this exciting moment. I have to say personally that months ago when this Board made the decision to postpone moving forward on putting a police station on a bond referendum, it was a very hard decision for all of us, and staff included. I had police officers tell me that they understood that the economies were tough and building an \$18 million facility was really going to be a challenge with the economies as they were and they did understand that. But they still wanted to see some sort of a commitment from this Board. I told them and I will tell you all that since that time there have been a couple of us who have been bugging Greg Ferguson almost weekly asking him to check certain parcels, certain empty buildings and this one, thank you to Gary Knox, came to us and because we had the open mind over the last several months, this just was meant to be.

Greg Ferguson, Town Manager, said it's a unique opportunity. The Town is in good financial standing. You've been good stewards and it's an excellent opportunity for the police department to move forward quickly.....about 2 to 3 years quicker. I want to recognize the Police Chief and let him talk about how he intends to utilize the building.

Chief Phil Potter said when I first got the call from the Town Manager to go look at a medical office facility as a potential site for a police department, I've seen a lot of those and just the way that they're structured I couldn't figure out how you would do an evidence room and a classroom and prisoner holding and all that. At first I was a little bit skeptical. But when I went over and met the realtor and walked through it I started seeing something that really would probably fit our needs. It's a uniquely designed facility that has a large classroom already in it. It has an area upstairs that is unfinished that really looks like a good place to put an evidence room that's pretty secure. The back of the building was set up for a receiving area and it really fits nice into looking at a sallyport that you can directly bring prisoners into several large office rooms that could be converted easily into prisoner processing. As I kept looking through and walking through and seeing rooms already the size of interview rooms in the right location, interrogation rooms, roll call for beginning of shifts and just basic places that you really need to see in a police department, I came back and told the Manager I really can't tell you of a reason why I don't think that it won't work and we need to do some more due diligence on this. I went through it again and several other times and kind of tried to take our space needs study and put the space allocations that we currently need, what we may need in about 5 to 7 years, what we need in 2030 as well as try to keep functional areas that need to communicate and collaborate together more frequently as well as the safety issues of keeping the prisoners and civilians and the public away, and it seemed to be a pretty good fit. There is room for growth for at least a 3, 5, 7 year period and we also have a plan with that property of future growth needs. It fits real well into our space needs study. There will be some modifications needed but it's not like tearing down exterior walls, tearing down a whole bunch of walls. There will be some modifications needed, but it's not a huge amount of modifications that would be needed to do that. I think this is a real unique opportunity for the Town. It gives the Town Board an opportunity to provide the police department with a functional police facility that meets our needs, that takes care of the safety issues that we were dealing with and basically addresses a lot of those. Instead of looking at a capital project over the next 2, 3, 5 years – the \$15 million to \$18 million to \$20 million, it

probably will be one-half to one-third of that cost when we are done with that. I think that's a real good opportunity. In terms of location, it's maybe not on the main street of Gilead but it is very close centrally located for our population right now and even in the future. We actually did a listing of our 10 locations where we generate the most calls for service and probably about 3 to 5 of those are actually within a mile of that particular facility. There are several different ways to get in and out. The traffic that our officers have to contend with at rush hour getting out of our current facility no way compares with what we have there. It's very quick to McCoy Road, to Gilead, as well as heading south, and as well as probably going out the back of the Park. A lot of the issues that we needed to address, it addressed very well. It's an extremely unique opportunity that maybe not every building that would be of this square footage would really meet. If you go down the checklist, my estimation we check off most if not all the checkmarks that we need to do. I would just like to thank the Town Board for entertaining this particular concept of trying to move forward on a capital project for the police department to take care of this need. I would like to thank the Town Manager and the Assistant Town Manager for their hard work and dedication on this.....Janet Stoner, Finance Director and Greg of finding a way to pay for this without having to go to the taxpayers and say we need to raise taxes. That's not something you really do in today's economy. I am really appreciative of that. I think also even though there may be some other benefits that derives from this, but I think a lot of great thank you's ought to go to Gary Knox the realtor because his foresight to bring this to us to look at gave the Town of Huntersville a really good opportunity to try to correct the particular situation that we have with our police facility. If somebody didn't really bring that to us with some vision and thought we may still be searching. I fully support this. This is a way that we can resolve the current space and safety issues that the police department faces and the men and women of the Huntersville Police Department that really do the front line response and criminal investigation will really get a facility that they are deserving of in order to better serve our citizens. On behalf of them, I thank you all for giving us this opportunity.

Commissioner Julian said first of all I want to take a moment just to thank three people at the dais here. First of all Jill Swain, our madam Mayor, Commissioner Sarah McAulay and Greg Ferguson. These three people pushed forward on this new facility, was out there searching constantly over the last couple of months and I just want to thank them for looking after this town and bringing this facility to us. I support this facility 100 percent. It's probably about one-third of the cost of a new facility. The footprint meets what Chief Potter and the Police Department need. It's very much a need of the town, so I support it 100 percent. Again, I just want to thank our Town Manager Greg Ferguson, our Mayor Jill Swain and then Commissioner McAulay for their continued search.

Commissioner Jeter said Mr. Julian, Ms. McAulay and Ms. Swain and Ms. Caulfield, Mr. Lucas, Mr. Sisson, Ms. Leonhardt, Ms. Phillips.....in the 6 years that I have been on this Board all of those individuals have expressed an interest in how important it was to get a police station. In particular, Ms. McAulay and I have butted heads on occasion about how to do it. As usual, she has outsmarted me. The purchase price of this based on the motion in front of us is \$4.2 million. This is for an all road infrastructure in place, completely built out facility that this town will occupy without any bumps in the road by the end of the town's fiscal year, which is by July 1 of next year. The budget for this to do it at Anchor Mill or some of the other places that I advocated for or some of the other places out there was anywhere from \$14 million to \$20 million. To be able to get a space this centrally located, this well suited and at this price, I think it shows people who can act outside the box. You hear a lot of people say let's think outside the box, but they never act outside the box. Give Greg Ferguson and his staff credit for acting outside the box. Give all the Board members and the Mayor up here credit for launching on to this project when it was brought to us like a tiger to the neck of its feed. We weren't going to let it go. This was brought to this Board less than 6 weeks ago and here we are approving it. As much as I almost hate to say this, the woman to my far left, Sarah McAulay, deserves a tremendous amount of credit for

this. She was instrumental in bringing this to this Board and not to downplay the involvement of any of us, but Sarah's role was higher, better, faster and stronger. She deserves the most accolades and as a citizen of Huntersville I want to personally thank you for your efforts, because you were instrumental in getting a police station up and operational within 6 to 9 months in a great location at one-third of the cost. I still disagree with your comments last week that you've ever been quiet or timid, but that was remarkable. I think the price is great, the location is great, the functionality of this building is great. The fact that we are going to be there by July 1 of next year was unheard of. I could ramble on and give accolades, but Mr. Knox who is a public servant in and of himself as a long term mayor of Cornelius understood the intricacies of the government and the relationship and the need and the work he did on behalf of this town and this community.....it's a prime example of watching government work well and I think everybody deserves credit. And I'm proud to be associated with this Board and I'm proud to be a member of this town tonight.

Commissioner Caulfield said tonight is for me the highlight of my 2 years serving on this Board. This is the one time that we all had the same priority. We all had focused on public safety and the police station being our No. 1 priority, so over the past 2 years even though like Commissioner Jeter said we haven't always agreed on how to get there, we all agreed that we needed to get there. I was very excited when I had first found out about this building. When we had approved the possibility of moving to Anchor Mill I said at the time I didn't think it was the best place, but we had to do something. And then when this came along I was so excited because I always felt like the Park would be a great location because of all the exits out of it. I went to look at the building as soon as it was presented to us and I couldn't believe how perfect it was for the police station. It was as if it was built just for them. So I'm very excited and like Commissioner Jeter I'm proud of all of us for sticking to this priority, for working together on this, putting our differences aside and realizing that we needed to get something done for our police officers. It's a very big highlight for me serving on this Board.

Commissioner McAulay said I want to thank everybody for everything they have said. Everybody deserves credit for it. Greg, the Police Chief, the staff, I thank you.....each commissioner.....we've all done our part and I just want to remind you that on June 20 we collectively decided that now was not the time to do a bond issue, even though that was the only way we saw we could do that building. And the minutes say the detailed documents and design plans will remain usable for the near future. The near future is 118 days. And reality has come about. That building is not planned like that but it gave those experts, the Chief and Gary and Greg and Gerry and others, the framework to decide how that building can be retrofitted. That is a Class A structure in Huntersville or anywhere and it is very pleasing to me that we have positioned ourselves as a town to financially be able to afford this through a loan. We will have a public hearing and the public can have input, but this is money that is needed for public safety and we have the ability to spend to do this. I would anticipate that all of us will vote for it and ahead of time I want to thank you.

Mayor Swain called for the vote.

Motion carried unanimously.

*Contract attached hereto as Attachment No. 1.*

**Capital Project Ordinance.** Staff requested Board to appropriate interest revenue (2004 Bonds) in the amount of \$8,858.94 to provide for earnest money for the Public Safety Building and Land and in addition, transfer \$16,141.06 from the 2008 Bond fund – Eastfield Fire Station to Public Safety Building and Land for the remainder of the earnest money.

Commissioner Caulfield made a motion to provide for a capital project ordinance and appropriate funds in the amount of \$25,000 for earnest money for the contract. Commissioner Jeter seconded motion. Motion carried unanimously.

**Resolution.** Commissioner Julian introduced Resolution Authorizing the Negotiation of an Installment Financing Contract, Directing the Publication of Notice of a Public Hearing and Certain Other Related Matters.

Commissioner Julian made a motion to adopt Resolution authorizing the negotiation of an installment financing contract, directing the publication of a notice with respect thereto and providing for certain other related matters thereto and calling a public hearing for November 7, 2011 at 6:30 p.m. at Town Hall.

Commissioner Caulfield seconded motion.

Commissioner Jeter said I believe you need to call the roll.

Mayor Swain said I am officially calling the roll.

Commissioner Julian – here.

Commissioner Jeter – here.

Commissioner Caulfield – here.

Commissioner McAulay – here.

Mayor Swain said and I, Mayor Swain, am here as well.

Mayor Swain called for the vote.

Motion carried unanimously.

*Resolution attached hereto as Attachment No. 2.*

Commissioner Jeter made a motion to recess for 5 minutes. Commissioner Julian seconded motion. Motion carried unanimously.

Commissioner Jeter made a motion to go back into session. Commissioner Julian seconded motion. Motion carried unanimously.

**Award 2011 Fall Resurfacing Project.** On October 7, 2011, quotations were received at Engineering & Public Works for the FY 2011 Fall Resurfacing. This project is part of on-going efforts by the Town to maintain our public roadway system.

Bids were solicited from five (5) companies with three (3) companies electing not to submit a bid. Blythe Brothers Asphalt crews were fully committed on NC73 for the remainder of this year, Ferebee Construction crews were fully committed to the completion of the NCDOT Mecklenburg County

resurfacing contract, and Rea Construction indicated availability of their crews would not facilitate completion of our contract by the completion date.

It is staff's recommendation that the project be awarded to the lowest responsible quote provider, Blythe Construction, Inc., with a quotation of \$254,314.50.

Blythe Construction, Inc. has completed multiple paving and resurfacing projects for the Town of Huntersville and many surrounding municipalities, including our FY- 2011 Resurfacing A Contract. Blythe Construction, Inc. has demonstrated sufficient ability and experience to perform the work specified and has demonstrated a history of successful performance and completion of similar projects in a timely manner.

Contract completion date for the resurfacing project is December 15, 2011.

Commissioner Jeter made a motion to award the contract to Blythe Construction in the amount of \$254,314.50 as presented and recommended by Mr. Buchanan.

Commissioner Julian seconded motion.

Motion carried unanimously.

**Award of North Meck Park BMP Project.** On October 10, 2011, quotations were received at Mecklenburg County LUESA North Office for the North Mecklenburg Park BMP Project. This project is a partnership between the Town of Huntersville and Mecklenburg County Storm Water Services to construct a series of water quality enhancements within North Mecklenburg Park in an effort to improve surface water quality in downstream streams and lakes.

The project consists of improving existing drainage swales through the addition of wooden check dams, constructing two bio retention cells, installation of a large detention/infiltration basin, erosion control, seeding/mulch, and sodding.

It is staff's recommendation that the project be awarded to the lowest responsible quote provider, Eaglewood, Inc., with a quotation of \$149,457.83.

Eaglewood, Inc. has completed multiple storm water and stream restoration projects for Mecklenburg County and many surrounding municipalities. Eaglewood, Inc. has demonstrated sufficient ability and experience to perform the work specified and has demonstrated a history of successful performance and completion of similar projects in a timely manner.

Contract completion date for the project is December 23, 2011.

Commissioner Jeter made a motion to award the contract per Mr. Buchanan's recommendation to the lowest responsible quote provider, Eaglewood, Inc., with a quotation amount of \$149,457.83.

Commissioner Julian seconded motion.

Motion carried unanimously.

**Resolution – Commercial Lighting Rebate Program.** Senate Bill 3 was passed by the NC General Assembly in 2007 to promote the development of renewable energy and energy efficiency in the state through the implementation of a renewable energy and energy efficiency portfolio standard (REPS). All electric utilities in NC are required to comply with Senate Bill 3.

NC Municipal Power Agency No. 1 (NCMPA1) has launched a Commercial Lighting Rebate Program to encourage energy efficient lighting technologies. Commercial and industrial customers served by Electricities are eligible for a rebate of \$0.35 per watt saved when a more efficient lighting system is installed at an existing facility. Funding for this program is provided by NCMPA1.

This program requires approval by the Huntersville Town Board in order to be offered to Electricities commercial and industrial electric customers.

Commissioner Jeter made a motion to adopt resolution to establish and offer commercial lighting rebate program.

Commissioner Julian seconded motion.

Motion carried unanimously.

TOWN OF HUNTERSVILLE  
Resolution to Establish and Offer  
Lighting Rebate Program

Whereas, the N.C. Legislature established Session Law 2007-397 to, among other items, promote the development of renewable energy and energy efficiency in the state through implementation of a renewable energy and energy efficiency portfolio standard (REPS); and

Whereas, the Town of Huntersville (Town) is a Participant in North Carolina Municipal Power Agency 1 (NCMPA1); and

Whereas, the Town has entered into an agreement for NCMPA1 to develop and implement compliance plans to meet the requirements of REPS on behalf of its Participants; and

Whereas, energy efficiency programs are a part of NCMPA1's compliance plans for REPS; and

Whereas, the Town desires to promote energy efficiency measures to its retail customers; and

Whereas, NCMPA1 has approved the development and funding of incentives for certain voluntary energy efficiency programs for its Participants to offer their retail customers; and

Whereas, NCMPA1 will fund the incentives as a credit on the Participants' monthly wholesale power billing statement;

Now, therefore be it Resolved, that the Town does hereby recognize the value of developing and promoting voluntary energy efficiency for its retail customers and does hereby establish a Commercial Lighting Rebate program in the amount of \$.35 per watt reduced for commercial and industrial customers who purchase and install energy efficient lighting as per the program guidelines developed by NCMPA1.

Adopted this 17<sup>th</sup> day of October, 2011

**Option to Grant Right-of-way Easement.** Gary Lane Norris has signed an option for a right-of-way easement for the Town of Huntersville to install underground electric lines across a portion of his property located at 12212 Old Statesville Road, Huntersville, NC 28078 (Parcel ID 01911111). This option expires October 24, 2011.

This easement and subsequent installation of underground electric lines is needed to meet demand for electricity in the southern area of Huntersville including Bryton, the new psychiatric hospital, and Commerce Station Park.

Commissioner Jeter made a motion to approve Option to grant right-of-way easement signed by Gary Lane Norris.

Commissioner Caulfield seconded motion.

Motion carried unanimously.

*Option attached hereto as Attachment No. 3.*

**Resolutions Authorizing Condemnation Proceedings.** In order to meet demand for electricity in south Huntersville, underground electric lines need to be installed from our existing substation northward to just past Commerce Station Park. These new lines are needed to serve the entire southern area of Huntersville including Bryton, the new psychiatric hospital, and Commerce Station Park.

Numerous meetings, discussions, and negotiations to acquire the necessary underground right-of-way have proven to be unsuccessful with four of the six property owners. It is absolutely necessary that construction start on these underground lines within the next couple of months to meet known demand for electricity.

Commissioner McAulay made a motion to adopt resolutions authorizing condemnation proceedings to acquire permanent and temporary construction easements for underground electric lines and accessory facilities.

Commissioner Julian seconded motion.

Commissioner Jeter said I've sat on this dais for six years and I have pledged to vote against every condemnation unless it was an absolutely utility requirement and necessity. This Board that I sit with voted 4 to 1 when Mr. Lucas was present to condemn private property, which was classified maybe rightfully so as a friendly condemnation or a requested condemnation I think was the wording. I'm not here to go back and re-judge that. I think there was a request by the family to condemn apparently. But they voted 4 to 1 to condemn property in that case in essence for a turn-lane into a for profit development, which I voted against because I didn't think it was the right thing to do. In fairness to some of my commissioners at the dais, though, I had not spoken to the family so I'm not exactly sure what their wishes were and I'm not here to second-guess those decisions. However, I'm going to vote to condemn property tonight. Something that I never thought I would do. And I'm going to do it because of the one reason I said I would do it. We are talking about burying power lines underground so companies like ABB and Pactiv and other users of the park will have the electricity and power necessary

to operate so they can create the jobs that they pledged to create. If there's ever been a time where condemnation made sense and had the least impact upon the residents it is now and it is this. As much as I am vehemently opposed to condemnation this is the one exception to my rule and as such I will be voting in favor of the motion.

Commissioner Julian said I just want to take a minute to commend Commissioner Jeter and say that this is a decision that is not taken lightly and is heartfelt, but I agree that this is a needed utility, underground, that will not show and of course I am going to support it, but I just wanted to commend Commissioner Jeter on his words.

Commissioner Caulfield said since we are not going back and talking about what happened in the past, I am going to be voting against it and I just wanted to say the reasons that I'm going to be. And I don't hold judgment against anyone that is voting for it. We all have different reasons that we cast our votes. I'm not going to go out and put blogs out there, I'm not going to do articles attacking everyone, which was done to me at the last condemnation. The last condemnation that did take place, because I was so opposed to condemnation I asked to have a meeting with the owners of the property and I did and I met with about seven or eight of our staff trying to negotiate a deal to avoid condemnation. But in that meeting the owners of the property asked that we condemn it because they felt it was the only way for them to get a fair price for the property. They had no problem using their property for the town and said they wanted to do so. So that is why I did it the last time. The only regret I have looking back was I didn't get a letter from them stating that because unfortunately it was used against those of us that voted for it vehemently. But anyway this time I said I wouldn't consider doing it unless I was able to meet with the property owners to find out if there was any way to resolve this without condemnation but I was told there was enough votes and therefore it wouldn't be necessary and that's fine, so there was really no reason for me to meet with the owners. And again I don't cast judgment on anyone up here for doing it. We all have different conscience on what is right, what is wrong. I just personally can't do it without talking to the property owners and knowing that we did everything possible to avoid it and that's all.

Commissioner Jeter said to clarify the meeting in closed session regarding eminent domain which as we are getting ready to approve it those minutes will become public record, at no time was anyone told there was enough votes. What the statement was and the minutes will reflect was that I protested that should any commissioner, whether it be Ms. Caulfield, Ms. McAulay or Mr. Julian, should any commissioner go and speak directly to the residents in question, by definition that it was no longer a closed session meeting and that we would have to go to the dais to have the conversation. That is what my argument was. In fact I made the point I wanted Ms. Caulfield to go have those conversations admittedly because I thought the conversation should be held at the dais anyway. I take umbrage with the concept that there was ever a statement that the votes were there. The statement was that if contact was to take place that it would therefore under North Carolina law which was confirmed by our attorney would not be a private, confidential session and would have to be held in the public course. At that point of discussion and this I think is a critical point, we were still and had been and Mr. Norfolk and the town's attorney had been discussing this with the families. It's not like we decided we wanted this property, let's go condemn it. There had been numerous conversations over price issues, logistics, we offered concessions above and beyond money. All reasonable offers, in fact I think the town went far above reasonable offers, were declined. No one takes this decision lightly and I commend Commissioner Caulfield on one thing. She's correct, I took shots at her on the last vote, which I have been routinely criticized for taking shots at her. It has been suggested that I should have been censored for some of my comments. It's interesting because I think Commissioner Caulfield makes an excellent point in the fact that while we disagree on the vote she made a vote with information that I did not have at the time. I disagreed with the vote. I made that very public. I don't have a blog, so it wasn't me who blogged about it. I'm sure I put it on my Facebook profile but nobody reads that. I think going to the point of the back and forth and all the other things is as a commissioner you have the right to say whatever you want respectfully, but I also have the right to oppose you respectfully. Are there times where I have gone over those lines, I can think of one instance where I called some towns to the north of us and their members by a name, but other than that.....so from that standpoint I would like to apologize if you thought I was rude to you at that point, however I do stand by the fact that this issue, the facts of the matter are I believe different than Ms. Caulfield just attested them to be.

Commissioner Caulfield said I really didn't want to get into tit for tat, as you hopefully noticed when I said what I had to say I did not mention anybody's name in particular. I did that on purpose. And it was not your comment I was referring to, Commissioner Jeter, in closed session. I was told it didn't matter because we already had enough votes and so it wouldn't be any point of me pursuing how I would even meet with them within our guidelines. It didn't matter. I didn't want to get in to tit for tat but I felt that it was important that I express my opinion on why I was voting against it and not telling you why you were wrong. So that was not my point. That was my reason and again I didn't mention anyone by name because I didn't think it was necessary and we can just go ahead and vote.

Commissioner McAulay said I have participated in discussions with several people on the staff and others about buying this right-of-way and how we might work through it. It is not the whole property. It is something like 30' in front which would be underground cable along what's used as a driveway in front of their yards. It would be covered back up and after it was reseeded and all in my estimate there would be little evidence that this was there. However, I do understand property owners and value in every tablespoon of dirt that they own. I do understand that but in the interest of providing electricity for current jobs that have been announced and are coming up out of the ground in Huntersville, for future jobs, for the expansion of our industrial activities therefore filtering out as, if you want to say.....a rock dropped in a pond that filters out to homes and every walk of business life, small or big, that we have in Huntersville this is connected with that. I want to say that this is a resolution authorizing the condemnation proceedings to start. It is a long legal maneuver part and a fair market value will be determined or agreed. If it can be agreed on then it would not be condemned. I will be supporting it. I think there's been several comments about who told Commissioner Caulfield that there was no need for her to go talk to the family and I think that was me, in fact I know it was me because I do know the family and I do know the work that has been done and I did not think that she would be successful and that was my determination and what I told her was that rather than going and talking to them that I would recommend that she just vote no. That is my recollection of recent conversation and if anybody wants to disagree that will be fine after the vote.

Bob Blythe, Town Attorney, said there are technically four resolutions here so if you would take a vote on each of them as they go through.

Commissioner Caulfield said Commissioner McAulay is correct and I didn't mention her by name because there was nothing wrong with her comment and I agreed with what she said when she said there was no reason for me to speak to them. There was nothing wrong in what took place.

Mayor Swain called for vote on Parcel No. 01911104 – motion carried 3 to 1, with Commissioner Caulfield opposed.

Mayor Swain called for vote on Parcel No. 01911106 – motion carried 3 to 1, with Commissioner Caulfield opposed.

Mayor Swain called for vote on Parcel Nos. 01911109 and 01911133 – motion carried 3 to 1, with Commissioner Caulfield opposed.

Mayor Swain called for vote on Parcel Nos. 01911103 and 01911113 – motion carried 3 to 1, with Commissioner Caulfield opposed.

*Resolutions attached hereto as Attachment No. 4.*

## **CONSENT AGENDA**

**Approval of Minutes – September 19.** Commissioner Jeter made a motion to approve the minutes of the September 19, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously.

**Approval of Minutes – October 3.** Commissioner Jeter made a motion to approve the minutes of the October 3, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously.

## **CLOSING COMMENTS**

Commissioner McAulay said now that we have settled the police building, I want to put the commissioners on notice that my project now is to get the east Huntersville known as the mill site developed according to our East Huntersville plan.

There being no further business, the meeting was adjourned.

Approved this the 7<sup>th</sup> day of November, 2011.